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 <p>APPLICANT'S PETITION TO REVIVE</p>	Application #	10/622,172
	Confirmation #	unknown
	Filing Date	July 18, 2003
	First Inventor	Shapiro
	Art Unit	3618
	Examiner	Bridget Avery
	Docket #	unknown

Commissioner for Patents  
Washington, D.C.

S I R:

Applicant moves to revive patent application serial number 10/622,172, and states as grounds therefore the following:

1. Applicant filed this patent application with the U.S. Patent office on July 18, 2003.
2. Applicant diligently moved forward on the application by filing a preliminary amended set of claims on June 23, 2004, before any substantive office action.
3. The U.S. Patent office first responded substantively on March 18, 2005 with an election/restriction requirement.
4. This filing required applicant to respond within 90 days.
5. Applicant drafted a response to the election/restriction requirement setting forth applicant's position on the election and restriction requirement and signed the mailing certificate dated April 13, 2005 believing that the response had been filed with the U.S. Patent & Trademark office in the proper fashion.
6. There was no further action by applicant or the U.S. Patent office until applicant was on a telephone conference with Bridget Avery, the assigned examiner with Art Unit 3618, during September 2005. Examiner Avery asked the applicant why he had not responded to this election restriction requirement, and applicant was taken by surprise, believing he had filed the election in April 2005. This conversation took place during September 2005.
7. Applicant immediately checked his records and located the response, attached as Exhibit A, dated April 13, 2005 which applicant believed had been filed in proper fashion. Applicant mistakenly was waiting for the U.S. Patent office to respond, but the U.S. Patent office does not show

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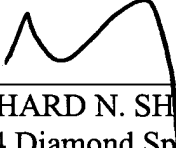
receipt of the applicant's response dated April 13, 2005 which applicant believes was mailed.

8. During April 2005, the United States Patent office moved. Applicant does not have an actual filing receipt showing fax or registered mail of this filing, but applicant moves to revive this application believing that the abandonment of this application arose through inadvertence.
9. Applicant also had no warning from the U.S. Patent office of the abandonment, and in fact believed that he had properly filed the April 13, 2005 response attached hereto as Exhibit A.
10. Accordingly, your applicant moves the U.S. Patent office to revive this application and to accord plaintiff the original filing date due to the inadvertence involved in the abandonment occurring in this case.
11. Applicant hereby disclaims any extension of the patent term, if granted, and waives any such term.
12. Applicant meets the small entity status definition and has enclosed the required fees.

WHEREFORE, the applicant moves the U.S. Patent office to revive said application.

Respectfully submitted,

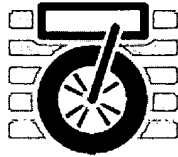
Date: 10-3-2005

  
\_\_\_\_\_  
RICHARD N. SHAPIRO (APPLICANT)  
1294 Diamond Springs Road  
Virginia Beach, Virginia 23455  
757-460-7776; Facsimile: 757-460-3428  
rshapiro@hsinjurylaw.com

#### MAILING CERTIFICATION

I hereby certify that the foregoing amendment application is being deposited in the mail via the U.S. Postal System on October 3, 2005.

  
\_\_\_\_\_  
Richard N. Shapiro



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October 3, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RE: Serial No. 10/622,172

Dear Sir or Madam:

Please find enclosed applicant's Petition to Revive in the above-referenced matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Richard N. Shapiro

RNS/bmg



# Notice of Abandonment

Application No.

10/622,172

Examiner

Bridget Avery

Applicant(s)

SHAPIRO, RICHARD N.

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 29 March 2005.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

BRIDGET AVERY  
PATENT EXAMINER 9/27/05

CHRISTOPHER P. ELLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3000

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.